With the entry of the present amendment, claims 3, 4 and 7-10 will be present in the application.

Claim 3 was rejected under 35 USC §103 as being unpatentable over NAGAYAMA et al. 6,383,683 in view of CAPPARELLA et al. 5,698,176. Claim 4 was rejected under 35 USC §103(a) as being unpatentable over NAGAYAMA et al. in view of EP 0 373 791 (EP '791). Claims 7 and 9 were rejected under 35 USC §102(b) as being anticipated by CAPPARELLA et al. Claims 8 and 10 were rejected under 35 USC §103(a) as being unpatentable over CAPPARELLA et al. in view of EP '791. Applicants respectfully traverse these rejections.

NAGAYAMA et al. describe a process for producing lithium manganate having a spinel structure. NAGAYAMA et al. describe neutralizing manganese dioxide with sodium hydroxide, mixing the neutralized manganese dioxide with lithium carbonate and firing the mixture.

CAPPARELLA et al. describe a process for treating manganese dioxide containing ion-exchangeable cations to replace the ion-exchangeable cations with lithium. CAPPARELLA et al. describe neutralizing manganese dioxide with sodium hydroxide, treating the neutralized manganese dioxide with a lithium compound, drying the resulting mixture and heating the mixture.

At the interview, it was emphasized that the language "the process consisting essentially of" in claim 3 would exclude the required step of mixing the neutralized electrolytic

manganese oxide with a lithium raw material, as required by NAGAYAMA et al. and the required step of treating the neutralized manganese dioxide with the lithium compound, as required by CAPPARELLA et al.

Neither NAGAYAMA et al. nor CAPPARELLA et al. are concerned with the production of manganese dioxide with a sodium content of 0.05 to 0.2% by weight for lithium primary batteries.

Applicants submit that the inventive process of claim 3 would only have been obvious to one of ordinary skill in the art in view of NAGAYAMA et al. and CAPPARELLA et al. after considering applicants' disclosure.

Reconsideration and withdrawal of the rejection of claim 3 under 35 USC §103 as being unpatentable over NAGAYAMA et al. in view of CAPPARELLA et al. are respectfully requested.

Although EP '791 describes manganese dioxide for primary batteries with a phosphorus content of 0.05-2.0% by weight, EP '791 fails to describe or suggest soda neutralized manganese dioxide.

As previously mentioned, NAGAYAMA et al. fail to describe the production of manganese dioxide with a soda content of 0.05-0.2% by weight.

Again, the language "the process consisting essentially of" now recited in claim 4 would exclude the required intermediate step of mixing the neutralized electrolytic

manganese oxide with a lithium raw material, as required by NAGAYAMA et al. prior to the step of heating the mixture.

In view of the above remarks, applicants respectfully request reconsideration and withdrawal of the rejection of claim 4 under 35 USC §103(a) as being unpatentable over NAGAYAMA et al. in view of EP '791.

In regard to claims 7 and 9, the final Official Action refers to Example 1 and Table 1 of CAPPARELLA et al. The referenced manganese dioxide is neutralized by lithium hydroxide rather than soda, as recited in claim 3.

CAPPARELLA et al. describe in column 4, lines 62-65, a soda neutralized manganese dioxide having a sodium content of 0.22% which is outside of the range recited in claim 7.

In view of the above remarks, applicants respectfully request reconsideration and withdrawal of the rejection of claims 7 and 9 under 35 USC §102(b) as being anticipated by CAPPARELLA et al.

Although EP '791 describes manganese dioxide for primary batteries with a phosphorus content of 0.05-2.0% by weight, EP '791 fails to describe or suggest soda neutralized manganese dioxide, as required by claim 4.

In view of the above remarks, applicants respectfully request reconsideration and withdrawal of the rejection of claims 8 and 10 under 35 USC §103(a) as being unpatentable over CAPPARELLA et al. in view of EP '791 since EP '791 fails to

overcome the deficiencies of CAPPARELLA et al. as previously described.

In light of the amendments discussed above, applicants believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

If the Examiner has any questions or requires clarification of any of the above points, the Examiner is requested to contact the undersigned agent so that this application may continue to be expeditiously advanced.

Respectfully submitted,

YOUNG & THOMPSON

By _____

J. Reed Batten, Jr.
Agent for Applicants
Registration No. 27,099
745 South 23rd Street
Arlington, VA 22202
Telephone: 703/521-2297

March 4, 2003